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99TH CONGRESS
2d Session

SENATE

REPORT
99-386

CONVEYING CERTAIN LANDS, WITHDRAWN BY THE BUREAU OF RECLAMATION FOR TOWNSITE PURPOSES, TO THE HUNTLEY PROJECT IRRIGATION DISTRICT, BALLANTINE, MONTANA

AUGUST 8 (legislative day, AUGUST 4), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 3005]

The Committee on Energy and Natural Resources to which was referred the Act (H.R. 3005) to direct the Secretary of the Interior to convey certain lands, withdrawn by the Bureau of Reclamation for townsite purposes, to the Huntley Project Irrigation District, Ballantine, Montana, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

H.R. 3005, as reported, would direct the Secretary of the Interior to convey certain described lands, which were withdrawn by the Bureau of Reclamation and reserved for townsite and public purposes under section 3 of the Act of April 16, 1906, to the Huntley Irrigation District.

BACKGROUND AND NEED

The Huntley Irrigation District, a municipal corporation in Ballantine, Montana, is seeking to acquire certain lands withdrawn by the Bureau of Reclamation for townsite and public purposes in the unincorporated townsites of Osborn, Ballantine, Huntley, Worden, and Pompeys Pillar, Montana. The Bureau of Reclamation has no need for these lands for project purposes.

The transfer of these tracts to the local communities is not possible under the Recreation and Public Purposes Act because the lands were withdrawn by the Bureau of Reclamation (and reserved for townsite and public purposes) under the provisions of the Act of

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April 16, 1906. Under the Act, a transfer could be made to incorporate communities, but these communities are not incorporated. The Huntley Irrigation District, however, has the status of a municipal corporation under Montana law; therefore the bill as reported essentially completes a process within the original intent of the 1906 Act.

H.R. 3005 conveys the land identified to the Huntley Irrigation District without consideration but requires that administrative costs of conveyance up to $750 be paid by the irrigation district. The bill further requires that the lands conveyed continue to be reserved, maintained and utilized for park and other public purposes, or they shall revert to the Federal Government.

LEGISLATIVE HISTORY

H.R. 3005 was introduced on July 16, 1985, by Representative Marlenee. The measure passed the House of Representatives on June 26, 1986. S. 829, a similar bill, was introduced by Senator Melcher and Senator Baucus on April 2, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on S. 829 on October 4, 1985.

At a business meeting on July 30, 1986, the Committee amended S. 829 to include language identical to H.R. 3005. The Committee then agreed to formally report the House-passed bill.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 30, 1986, by a majority vote of a quorum present, recommends that the Senate pass H.R. 3005.

The rollcall vote on reporting the measure was 17 yeas, 1 nay as follows:

YEAS	NAYS
Mr. McClure	Mr. Metzenbaum*
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop*	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Melcher	
Mr. Bradley*	
Mr. Bingaman	
Mr. Rockefeller	

*Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 31, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3005, a bill to direct the Department of the Interior to convey certain lands withdrawn by the Bureau of Reclamation for townsite purposes to the Huntley Project Irrigation District, Ballatine, Montana, as ordered reported by the Senate Committee on Energy and Natural Resources, July 30, 1986.

The bill would direct the Secretary of the Interior to convey title to approximately 32 acres of land to the Huntley Irrigation District for townsite and public purposes. We estimate that enactment of the bill will result in no cost to the federal government, and in no significant costs to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3005. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3005, as reported.

EXECUTIVE COMMUNICATIONS

On April 19, 1985, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 829. These reports had not been received at the time the report on H.R. 3005 was filed. When the reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate.

Following is the Department of the Interior's prepared testimony received at the October 4, 1985 hearing of the Subcommittee on Public Lands, Reserved Water and Resource Conservation.

STATEMENT OF ARNOLD E. PETTY, DEPUTY DIRECTOR, MANAGEMENT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR.

I appreciate the opportunity to discuss with you today S. 829, a bill which would direct the Secretary of the Interior to convey certain described lands to the Huntley Irrigation District, a municipal corporation of the State of Montana. The only compensation allowed would be up to $750 for administrative costs associated with preparation of the legal title and the legal description. The lands to be conveyed would be any lands withdrawn by the Bureau of Reclamation and reserved for townsite and public purposes under the provisions of section 3 of the Act of April 16, 1906, in the unincorporated townsites of Osborn, Ballantine, Huntley, Worden, and Pompeys Pillar in Montana.

Section 2 of S. 829 describes the lands that would be conveyed under the bill. Section 3 of the bill would require that lands conveyed under S. 829 continue to be reserved, maintained and utilized for park and other public purposes. It further provides that if the intended uses are no longer maintained on any of the described tracts, the title to the subject tract, together with all improvements, would revert to the United States.

We would not object to enactment of S. 829 if it is amended to address our concerns.

We have been advised that the Bureau of Reclamation has no need for these lands for project purposes. Local citizens have an investment in park development, and it is our understanding that they want to protect their past and any future investments in that park development by acquiring the land in question. Although this could be accomplished administratively under existing law, S. 829 would provide the same result should Congress decide to enact the bill.

One problem with S. 829 is that we can not determine specifically what lands are covered by some of the descriptions in the bill. This would make it difficult to identify the lands to be conveyed. In addition, it appears that some of the lands described in section 2 of the bill do not meet the requirements of section 1 and could not be conveyed pursuant to this Act. The Department's report will spell out these problems in more detail. We will be happy to work with this Committee and the Bureau of Reclamation to identify the lands intended to be covered by the bill.

Before conveyance documents can be prepared, several of the areas proposed for conveyance will require supplemental or survey plats to establish legal descriptions. Our costs to prepare each supplemental plat would be approximately $500 per supplemental plat. Survey plats would cost considerably more to prepare. S. 829 limits administrative costs for these purposes to $750 which is insufficient to cover our anticipated costs. The bill should be amended to require the grantee to compensate the Secretary of the Interior for the cost of the conveyance, prior to the transfer of title to the lands.

S. 829 does not mention minerals, although all these lands are in the Crow ceded areas. As a result of legislation enacted in 1958, the minerals under these lands are held in trust by the United States

for the benefit of the Crow Tribe. The bill should reflect that the United States will continue to hold the minerals in trust for the Crow Tribe.

This concludes my statement. I will be pleased to respond to any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act, H.R. 3005, as reported.

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